

EXHIBIT 1



Entered on Docket
January 04, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:)
)
USA COMMERCIAL MORTGAGE)
COMPANY,)
)
USA CAPITAL REALTY ADVISORS,)
LLC,)
)
USA CAPITAL DIVERSIFIED TRUST)
DEED FUND, LLC,)
)
USA CAPITAL FIRST TRUST DEED)
FUND, LLC,)
)
USA SECURITIES, LLC,)
)
Debtors.)

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: December 20, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

**ORDER SUSTAINING EIGHTH OMNIBUS OBJECTION
OF THE USACM LIQUIDATING TRUST TO CLAIMS FOR LACK OF
DOCUMENTATION EXCEPT AS TO PROOF OF CLAIM NO. 10725-01561
FILED BY BLOCK H&W/WR OF S, JEROME L & CHARMA N., PROOF OF
CLAIM 10725-01564 FILED BY DAVID M. & SALLY W. OLDS AS JT, PROOF
OF CLAIM NO. 10725-01566 FILED BY SHARON JUNO, PROOF OF CLAIM
NO. 10725-01567 MATTHEW MOLITCH IRA, PROOF OF CLAIM NO. 10725-
01570 MARILYN & MATTHEW MOLITCH AND PROOF OF CLAIM NO. 10725-
01579 FILED BY JAMES CIELEN**

The USACM Liquidating Trust (the "USACM Trust") filed its Eighth Omnibus Objection to Claims for Lack of Documentation [DE 5371] (the "Objection") on November 19, 2007. Appropriate notice of the Objection was given. Responses to the Objection were raised as follows:

- On December 4, 2007, Block H&W/WR of S, Jerome L & Charma N. ("Block") provided documentation to support Proof of Claim No. 10725-01561. Accordingly, the USACM Trust withdrew the Objection as to that claim on December 19, 2007 [DE 5514]. Block's claim is not included in Exhibit A attached and is not affected by this Order.
- On December 4, 2007, David M. & Sally W. Olds H&W as JT ("Olds") provided documentation to support Proof of Claim No. 10725-01564. Accordingly, the USACM Trust withdrew the Objection as to that claim on December 19, 2007 [DE 5515]. Olds' claim is not included in Exhibit A attached and is not affected by this Order.
- On December 4, 2007, Sharon Juno ("Juno") provided documentation to support Proof of Claim No. 10725-01566. Accordingly, the USACM Trust withdrew the Objection as to that claim on December 19, 2007 [DE 5516]. Juno's claim is not included in Exhibit A attached and is not affected by this Order.
- On December 4, 2007, Matthew Molitch IRA and Marilyn & Matthew Molitch ("Molitch") provided documentation to support Proof of Claim No. 10725-01567. Accordingly, the USACM Trust withdrew the Objection on December 19, 2007 [DE 5518]. Molitch's claim is not included in Exhibit A attached and is not affected by this Order.

- On December 4, 2007, James Cielen ("Cielen") provided documentation to support Proof of Claim No. 10725-01579. Accordingly, the USACM Trust withdrew the Objection on December 19, 2007 [DE 5517]. Cielen's claim is not included in Exhibit A attached and is not affected by this Order.

No other responses were received by USACM Trust counsel or filed with this Court. The Objection came before the Court for hearing on December 20, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's Eighth Omnibus Objection to Claims for Lack of Documentation except to the extent the USACM Trust has withdrawn that objection; and

- Disallowing the Proofs of Claim listed on the attached Exhibit A without prejudice to any rights the claimants listed in Exhibit A may have as Direct Lenders in a particular loan.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

Attorneys for USACM Liquidating Trust

APPROVED:

OFFICE OF THE U.S. TRUSTEE

August B. Landis, Esq.

Scott A. Farrow, Esq.

300 Las Vegas Boulevard, Suite 4300
Las Vegas, NV 89101

1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 ☐ The Court waived the requirements of LR 9021.
- 3 ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented
4 parties who have appeared at the hearing regarding this matter and/or who filed
a written objection and each has:
- 5 ☒ approved the form of this order;
- 6 ☐ waived the right to review the order;
- 7 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- 8 ☐ failed to sign and return this proposed order within five (5) business days
in accordance with LR 9021(b).
- 9 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
10 parties who appeared at the hearing regarding this matter and/or who filed a
written objection and all have either approved the form of this order, waived the
11 right to review the order, failed to file and serve papers in accordance with LR
9021(c) and the following have disapproved the form of the order.
- 12 ☐ No opposition was filed and no other party or counsel appeared at the hearing.

13 **LEWIS AND ROCA LLP**

14 By: /s/ RC (#0006593)
15 Susan M. Freeman
16 Rob Charles
Attorneys for USACM Liquidating Trust

**ORDER SUSTAINING EIGHTH OMNIBUS
OBJECTION OF USACM LIQUIDATING TRUST TO
PROOFS OF CLAIM FOR LACK OF
DOCUMENTATION
BK-S-06-10725-LBR**

<u>Creditor Name</u>	<u>Claim No.</u>	<u>Date Filed.</u>	<u>Amount</u>
Kathy John & Tina Eden JT WROS 57 Poinsetta Drive Ormond Beach, Florida 32176-3518	10725-01559	12/6/06	\$25,000.00
Kathy John & Tina Eden JT WROS 57 Poinsetta Drive Ormond Beach, Florida 32176-3518	10725-01560	12/6/06	\$50,000.00
Williams, Richard J. Trust c/o Richard J. Williams, Trustee 1282 Conestoga Drive Minden, Nevada 89423	10725-01565	12/7/06	\$12,500.00
Olson, Dean 6760 Chesterfield Lane Reno, Nevada 89523	10725-01578	12/1/06	\$100,000.00

EXHIBIT A